

Application No.: 09/980,880 MAT-8189US  
Amendment Dated: October 20, 2005  
Reply to Final Office Action of: September 2, 2005

**Remarks/Arguments:**

The pending claims are 1-5, 9-10, 12-29. Claims 1-3, 9-10, 12, 14, 16, 17, 21, 23, 24, 26-28 have been amended. Claims 2, 3, 9-10, 17, 21, 24, 26-28 were amended because of antecedent basis considerations.

Paragraphs 2 and 6 of the Office Action contend that the following recitation is not supported by the specification:

a contact pressure of said first contact portion is stronger than a contact pressure of said second contact portion.

Applicants respectfully disagree. The recitation is supported at least by page 8, lines 4-7; page 16, lines 1-6; page 16, lines 16-18, page 16, line 25-page 17, line 1. It is also supported by original claim 12 on page 34, lines 20-22.

Paragraph 6 of the Office Action has rejected claims 1-29 under 35 U.S.C. § 112, first paragraph for the reasons stated above regarding the recitation of contact pressures. Since the specification does support such recitations as shown above, applicants request that this rejection be withdrawn.

Claims 1-3, 5, 9, 10 and 12-29 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Patent Abstracts of Japan No. 08-273649 (Onagawa) in view of Nishino (JP 08-339785). Claim 1 has been amended to read, in part:

said caulked portion includes a first contact portion exhibiting a first contact pressure and a second contact portion between the surface of the outer periphery end of said flange and said bend portion exhibiting a second contact pressure, wherein the first contact pressure is stronger than the second contact pressure;

said outer periphery end of said flange portion includes a projection extending from at least one out of the surface and the back thereof;

said first contact portion is formed from a contact of said projection and said bend portion; and

said cap and said filter are electrically connected to each other by the contact with said outer periphery end and said bend portion at said caulked portion.

Paragraph 2 of the Office Action states that the PTO gave little or no patentable weight to recitations of first and second contact pressures because such recitations did not further limit the structure of the apparatus. Claim 1 has now been amended to recite "a first contact portion exhibiting a first contact pressure and a second contact portion ... exhibiting a second contact pressure." These amendments more clearly recite the contact pressures of the first and second contact portions. Claim 1 also recites that the "first contact portion is formed from a contact of said projection and said bend portion."

As recited in claim 1, a caulked portion is formed while the outer periphery end of the flange is positioned in the bend portion. The outer periphery end and bend portion are "jointed to each other." The outer periphery end includes a projection extending from it. A first contact portion is formed from a contact of the projection and the bend portion. The first contact portion exhibits a first contact pressure. A second contact portion exhibits a second contact pressure.

Paragraph 12 of the Office Action contends that Nishino would have made it obvious to include a protrusion in the outer periphery of the flange portion of the Onagawa device in order to improve leakage resistance of the Onagawa battery. Applicants respectfully disagree. The purposes of Onagawa and Nishino are different. The purpose of Onagawa is to provide a battery whose valve actuating pressure can be stably maintained over a long period of time. In Onagawa, the sealing plate 2 is metal (paragraph 006) and it comes into direct contact with positive electrode terminal 5. A

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gasket 3 is on the outside of, and partially surrounds, the joined sealing plate 2/electrode terminal 5. The purpose of Nishino is to prevent leaking of electrolyte by placing a protrusion 1a on the flange and an improved gasket 3 between the protrusion and the positive electrode case 2.

The Office Action contends that it would have been obvious to add a Nishino protrusion in the Onagawa device in order to improve leakage resistance. Applicants respectfully disagree. Nishino requires not only the protrusion, but also the gasket 3. Specifically, the Purpose paragraph of the Nishino Abstract states that it operates by "compressing a gasket in a part corresponding to the protrusion by a prescribed compressing rate." Accordingly, in order to obtain improved leakage resistance in the Onagawa device, the Nishino protrusion and the Nishino gasket 3 would have to be incorporated into the Onagawa device. Nishino fails to teach or suggest that improved leakage resistance can be obtained by using only the Nishino protrusion. Therefore, the Office Action has incorrectly concluded that it would have been obvious to include a protrusion, alone, in the outer periphery of the Onagawa flange portion in order to improve leakage resistance. For this reason alone, amended claim 1 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Onagawa in view of Nishino.

Even if it would have been obvious to use only the Nishino protrusion in Onagawa (which applicants do not concede), there is no further disclosure or suggestion in either reference that the first contact portion would exhibit a first contact pressure, that the second contact portion would exhibit a second contact pressure, and that the first contact pressure would be stronger than the second contact pressure.

Furthermore, if both the Nishino protrusion and the Nishino gasket 3 were incorporated into Onagawa, the newly added gasket would intervene between the newly added protrusion and the bend portion of Onagawa's sealing plate 2. The

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addition of a protrusion and a gasket into Onagawa would prevent the resulting device from reading on amended claim 1. The resulting device would not have a first contact portion "formed from a contact of said projection and said bend portion" because the protrusion would contact the gasket, not the bend portion. As a further consequence, the first contact portion would not exhibit a first contact pressure because these would not be a first contact portion "formed from a contact of said projection and said bend portion." Moreover, there would not be a second contact portion between the surface of the outer periphery end of the flange and the bend portion, thereby precluding the exhibition of a second contact pressure by the second contact portion.

For all of the above reasons, amended claim 1, along with dependent claims 2, 3, 5, 9, 10 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Onagawa in view of Nishino.

Amended claim 12 recites:

a distance from a mating face of said filter and cap to a peak of said projection is greater than a thickness of said flange portion;

the peak exhibits a first contact pressure stronger against said bend portion of said filter than a second contact pressure in zones other than said peak.

As discussed above, neither Onagawa nor Nishino disclose or suggest the first and second contact pressures. Also, neither reference discloses or suggests the other features in claim 12 recited above. Furthermore, the Office Action makes no reference whatsoever to anything in either reference that discloses or suggests them. Accordingly, amended claim 12 and dependent claim 13 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Onagawa in view of Nishino.

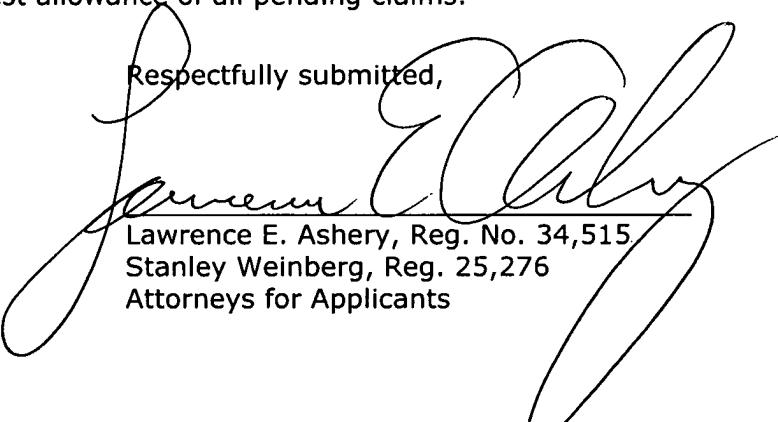
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Claims 14, 16, 23 have also been amended to recite first and second contact pressures. For all of the reasons discussed above, therefore, these claims, along with dependent claims 15, 17-22, and 24-29 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Onagawa in view of Nishino.

Claim 4 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Onagawa in view of Nishino and further in view of Ishizuka (U.S. Patent No. 6,019,802). Claim 4 is not subject to rejection for all of the reasons set forth above and the reasons set forth in applicants' Amendment dated June 30, 2005, which are incorporated herein by reference.

For all of the above reasons, applicants submit that this application is now in condition for allowance and request allowance of all pending claims.

Respectfully submitted,

  
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